

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH CLIFFORD MALCOMB,)	
)	Civil Action No. 11 - 1087
Plaintiff,)	
)	District Judge Arthur J. Schwab
v.)	
)	
CRAIG MCKEAN, Pennsylvania State Police;)	
and JOSHUA THOMAS, Pennsylvania State)	
Police,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1) on August 23, 2011, and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. ' 636(b)(1), and the local rules of court.

On November 23, 2011, the Magistrate Judge filed a Report and Recommendation (ECF No. 14) recommending that the Complaint filed by Joseph Clifford Malcomb be dismissed with prejudice under 28 U.S.C. 1915A. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until December 12, 2011 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19th day of December, 2011;

IT IS HEREBY ORDERED that the Complaint is **DISMISSED** with prejudice under 28 U.S.C. § 1915A and it would be futile to allow Plaintiff the opportunity to amend.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 14) dated November 23, 2011, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Joseph Clifford Malcomb, BW3347
SCI-Greensburg
165 S.C.I. Lane
Greensburg, PA 15601